

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 27-33 are in the case.

I. THE 35 U.S.C. §112, SECOND PARAGRAPH, REJECTION

Claims 27-33 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. In response, claim 27 has been amended to adopt the Examiner's suggested correction of replacing "are" in line 4 (first occurrence) with "and". Withdrawal of this rejection is now respectfully requested.

II. THE OBVIOUSNESS REJECTION

Claims 27-33 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent 5,628,946 to Ward et al in view of U.S. Patent 4,600,631 to Alei et al. That rejection is respectfully traversed.

The present invention is directed to a polymeric material comprising a compressed assembly of melt formed fibers of a cross-linked oriented polyolefin. The fibers are bound together by a recrystallized melt comprised from 10% to 50% by weight of the polymer in the material. Both fibers and recrystallized melt phase are derived from the molecularly oriented fibers of a precursor assembly of molecularly oriented thin plastic polymer fibers.

Ward describes a process for producing a homogenous polymeric monolith wherein an assembly of oriented thermoplastic polymer fibers is maintained under a contact pressure sufficient to ensure intimate contact at an elevated temperature high enough to melt a proportion of the polymer. The assembly is subsequently compressed

at a compaction pressure higher than the contact pressure while still being maintained at the elevated temperature. Ward fails to describe or suggest fibers which are cross-linked, in contrast to the presently claimed invention, where the polymeric material comprises a compressed assembly of melt formed fibers of a cross-linked oriented polyolefin.

Alei does not generate a *prima facie* case of obviousness, either with or without Ward. At column 4, beginning at line 30, Alei states, with respect to cross-linking processes, that

"By linking some of the neighboring molecules the bulk plastic can be converted from a thermoplastic polymer, which flows upon heating above its melting temperature, to a thermoset polymer, which becomes relatively soft and rubbery at high temperature **but does not melt and flow.**" (Emphasis added)

In contrast, the present polymeric material comprises a compressed assembly of melt formed fibers of cross-linked oriented polyolefin. Alei clearly leads away from cross-linking the fibers in a material in which the fibers are melt formed.

In light of the above, one of ordinary skill would not have been motivated to combine Ward and Alei, and even if such a combination had been attempted (it is believed this would not have occurred to one of ordinary skill), the presently claimed invention would not have resulted or have been rendered obvious thereby. Absent any such motivation, a *prima facie* case of obviousness has not been generated in this case. Reconsideration and withdrawal of the outstanding obviousness rejection are accordingly respectfully requested.

III. DOUBLE PATENTING

Claims 27-33 stand rejected on obviousness-type double patenting grounds as allegedly constituting obviousness-type double patenting over claims 1 and 2 of U.S. Patent 6,548,727 in view of U.S. Patent 4,600,631 to Alei. In response, and without conceding to the merit of this rejection, attached is a Terminal Disclaimer executed by the undersigned. Withdrawal of the obviousness-type double patenting rejection is now respectfully requested.

Claims 27-33 stand rejected on obviousness-type double patenting grounds as allegedly constituting obviousness-type double patenting over claims of (1) co-pending application Serial No. 10/477,122 in view of U.S. Patent 4,600,631 to Alei, (2) co-pending application Serial No. 10/496,500 in view of Alei and (3) co-pending application Serial No. 10/496,294 in view of Alei. Reconsideration is respectfully requested.

The above obviousness-type double patenting rejections (1)-(3) are provisional obviousness-type double patenting rejections since neither the present application nor the co-pending applications have been granted. As the present application has the earlier date and is likely to be allowed prior to the copending cases, it is believed appropriate to permit the present case to issue and, if double patenting still pertains (it is believed that there is no obviousness-type double patenting for the reasons discussed below), to convert the provisional obviousness-type double patenting rejections to actual obviousness-type double patenting rejections over the patent to issue on the present case.

It is believed that no obviousness-type double patenting exists for reasons discussed above in relation to Alei. Thus, in the Alei approach, cross-linking converts

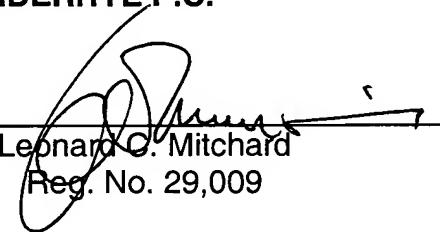
the polymer to a thermoset polymer which becomes "...relatively soft and rubbery at high temperature **but does not melt and flow.**" (Emphasis added). As noted earlier, the claimed invention of the present case is directed to a polymeric material comprising a compressed assembly of melt formed fibers of cross-linked oriented polyolefin. Alei leads away from cross-linking the fibers in a material in which the fibers are melt formed. Obviousness-type double patenting therefore does not apply over the claims of the copending cases in view of Alei.

Favorable action on this application is awaited.

Respectfully submitted,

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